

March 3 2010

KELLIE G. SIRONI

Attorney at Law

P.O. Box 81646

Billings, MT 59108

Tel. (406) 860-9476

Fax. (406) 586-0589

Attorneys for Plaintiff Gaston Engineering

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

FILED

MAR 03 2010

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

GASTON ENGINEERING & SURVEYING,)	Cause No. _____
P.C.,)	
Appellant,)	NOTICE OF APPEAL
v.)	
OAKWOOD PROPERTIES, LLC and)	
YELLOWSTONE BANK,)	
Appellees.)	

NOTICE is hereby given that Gaston Engineering & Surveying, P.C., the above-named Appellant, who is the Plaintiff in that cause of action filed in the Eighteenth Judicial District Court, in and for Gallatin County, as Cause No. DV-07-946AX, hereby appeals to the Supreme Court of the State of Montana from the Order Re: Summary Judgment, filed by the district court on November 25, 2009 (District Court Docket No. 131), and its Order Denying Rule 59(g) Motion, filed by the district court on February 5, 2010 (District Court Docket No. 160).

THE APPELLANTS FURTHER CERTIFY:

1. This appeal is not subject to mandatory appellate alternative dispute resolution under M. R. App. P. 7.
2. This appeal is not an appeal from an order certified as final under M.R. Civ. Pro. 54(b).
3. There are no constitutional issues in this case.

4. Appellants have complied with the provisions of M.R. App. P. 8(3) contemporaneously with the filing of this Notice of Appeal.
5. That included herewith is the filing fee prescribed by statute.

Dated this 3rd day of March, 2010.

By Kellie G. Sironi
Kellie G. Sironi
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of District Court, and each attorney of record as follows:

Dave Wagner
P.O. Box 10969
Bozeman, MT 59719-0969
Attorney for Yellowstone Bank

Joby Sabol
225 East Mendenhall
Bozeman, MT 59715
Attorney for Oakwood Properties, LLC

Clerk of District Court of Gallatin County
Law & Justice Center
615 S. 16th, Rm. 302
Bozeman, MT 59715

Dated this 3rd day of March, 2010.

Kellie G. Sironi
Kellie G. Sironi
Attorney for Appellant